

1  
2  
3  
4                   UNITED STATES DISTRICT COURT  
5                   WESTERN DISTRICT OF WASHINGTON  
6                   AT TACOMA

7                   GREGORY TYREE BROWN,  
8  
9  
10

v.  
Plaintiff,

RICHARD MORGAN, et. al.,

Defendants.

Case No. C16-5975 RBL-TLF

ORDER DISMISSING DEFICIENT  
CLAIMS

11                  THIS MATTER is before the Court on Magistrate Judge Fricke's Report and  
12 Recommendation, concluding that paragraphs 44 through 111 of plaintiff's second amended  
13 complaint fail to state claims upon which relief may be granted because they are facially time  
14 barred. She recommended DISMISSAL of those claims with prejudice. The Magistrate Judge  
15 also recommended that the remaining claims be referred back to for resolution of the remaining  
16 claims. The Court adopted the Report and recommendation and then permitted Plaintiff Brown  
17 additional time to respond to it. He has now done so. [Dkt. #25]

18                  The objections do not address the deficiencies raised in the R&R. Brown continues to  
19 complain about events dating to the early 1980s. Those claims are time barred.

20                  The Report and recommendation is ADOPTED and the claims in paragraphs 44 through  
21 111 of Brown's second amended complaint are DISMISSED with prejudice and without leave to  
22 amend. The remaining claims are RE-REFERRED to Magistrate Judge Fricke, with the  
23 following instruction, as she recommended:

1 [The matter is referred back] to the [Magistrate Judge] for service of the existing  
2 second amended complaint (Dkt. 14), with an explanation to defendants that they  
3 need not respond to the portions of the second amended complaint – paragraphs  
4 44 through 111 – that the Court has dismissed with prejudice under the screening  
5 provisions of the PLRA.

6 IT IS SO ORDERED.

7 Dated this 8th day of March, 2018.

8   
9

10 Ronald B. Leighton  
11 United States District Judge